

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
ROSELORE NOEL, LPN	:	
License # 26NP05762500	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Roselore Noel ("Respondent") is a Licensed Practical Nurse ("LPN") in the State of New Jersey and has been a licensee at all times relevant hereto. Respondent received her New Jersey LPN license on May 3, 2006 after her application for LPN licensure by examination was granted. Respondent's application for LPN licensure included a passport photo of Respondent.

2. On or about April 15, 2013 the Board received an online application for licensure as a Registered Professional Nurse (RN) from Respondent.

3. The Board received a check for \$22.55 dated April 24, 2013 from Respondent paying a fee associated with the processing of her RN application.

4. The instructions on the RN application direct graduates of out-of state nursing programs to have the school forward to the Board an official transcript with seal. In May 2013, the Board received a suspicious looking transcript for Respondent from Long Island College Hospital School of Nursing.

5. The Board attempted to verify the transcript with the Dean of SUNY Farmingdale State College at Long Island College Hospital, but learned that the transcript was fraudulent and had not been issued by Long Island College Hospital.

6. On May 10, 2013, the Board notified Respondent that she had failed to provide a color passport photo with her RN application. Respondent replied and provided a color passport photo which was received by the Board on May 21, 2013.

7. In August 2013, Board staff received a telephone communication from Respondent inquiring as to the status of her application for an RN license. After being told she would be contacted by a Deputy Attorney General, Respondent called back and left a message for Board staff indicating that she wanted to withdraw her application for an RN license.

8. In April 2014, the Board continued its investigation of Respondent's application for RN licensure and a Demand for Statement in Writing Under Oath and Production of Documents ("Demand") was issued.

9. On June 17, 2014, Respondent replied to the Demand and denied that she submitted the RN application, paid any fees in relation to the RN application, or sent the transcript.

10. In her reply to the Demand, Respondent failed to disclose that she had worked as an LPN at Delaire Nursing & Convalescent Center and denied that she had ever been terminated, or resigned in lieu of termination from employment, or put on a facility do not use list. However, the Board received a 2008 report from the Delaire Nursing & Convalescent Center indicating Respondent was no longer employed by the facility due to a violation of facility policy whereby Respondent signed three sheets claiming that she witnessed another nurse's signature after the other nurse wasted narcotics, but the other nurse did not waste the narcotics and the other nurse's signature had been forged.

11. Finally, the Demand asked Respondent to provide documentation of her continuing education for the last four years - 30 hours for the June 1, 2010 - May 31, 2012 biennial period and 30 hours for the June 1, 2012 - May 31, 2014 biennial

period. In her reply to the Demand, Respondent provided certificates for thirty hours of continuing education completed on June 13, 2014.

12. On May 26, 2012, Respondent completed and submitted an online biennial application to renew her LPN license. Respondent was asked whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the thirty hours required for the June 1, 2010 - May 31, 2012 biennial period. Respondent answered "yes" and certified that answer by submitting the online application.

13. On May 27, 2014, Respondent completed and submitted an online biennial application to renew her LPN license. Respondent was asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the thirty hours required for the June 1, 2012 - May 31, 2014 biennial period. Respondent answered "no." Respondent was asked whether she "completed the 1 hour continuing education course on Organ and Tissue Donation by May 31, 2014?" Respondent answered "yes" and certified those answers by submitting the online application.

CONCLUSIONS OF LAW

The photographs submitted with the LPN application in 2006 and with the RN application in 2013 depict the same person. A

review of the handwriting and the personal identifying information of Respondent's LPN license, Respondent's RN application, and Respondent's reply to the Demand demonstrate that they all pertain to and were submitted by the same person - Respondent. The Board finds that Respondent has attempted to obtain an RN license through fraud, deception, or misrepresentation in violation of N.J.S.A. 45:1-21(a). The Board finds that in submitting her certified answers to the Demand whereby she denied submitting the RN application, fee, and transcript, and denied ever working or ceasing employment at Delaire Nursing & Convalescent Center, Respondent has engaged in the use or employment of dishonesty, deception, or misrepresentation in violation of N.J.S.A. 45:1-21(b).

Regarding continuing education, pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request. Respondent failed to demonstrate, to the satisfaction of the Board, that she had completed any continuing education for the June 1, 2010 - May 31, 2012 or the June 1,

2012 - May 31, 2014 biennial periods. The Board finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the 2012 and 2014 license renewal processes in falsifying her continuing education information constitute violations of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 1, 2015, provisionally denying respondent's application for an R.N. license, suspending her L.P.N. license for five years, imposing a reprimand, a total of \$7,750 in civil penalties, and requiring respondent to complete a nursing refresher course and re-take and pass NCLEX-PN prior to any reinstatement. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting

any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, via her attorney. Respondent claims that she wired \$15,000 to a Victoria Sampson to act as her "'advisor' for the credentialing process," and that Ms. Sampson, without her knowledge, sent in a forged transcript. Respondent's attorney argues that the discipline contemplated by the Board in this matter is overly harsh when compared with discipline imposed on other Board licensees who engaged in similar, or even more egregious conduct.

The Board reviewed the record, and found that the fact that Ms. Noel paid \$15,000 for "assistance" with an application for licensure as an R.N., at a time when she knew or should have known that she had not completed any R.N. program, and therefore did not have the proper education for licensure as an R.N., was not credible.

With respect to the harshness of the penalty imposed, the Board notes that Ms. Noel not only attempted to obtain a license for which she was not qualified. Ms. Noel, in a statement dated June 12, 2014, maintained in effect that she did not apply to the Board for licensure as an R.N., and denied submitting any application for an R.N. license to the Board, or paying any money (presumably to the Board in connection with the

application), and maintaining that she would never apply for a license for which she did not go to school. Respondent's attorney acknowledges that Ms. Noel signed the application form, and provided requested checks for the application process. However respondent herself, in her statement, denies submission of the application, claims she knows nothing of the school that was listed on the application, claims she did not submit the application to the Board for an R.N. license. This despite the fact that Ms. Noel's own personal check dated April 24, 2013 for \$22.55 was issued close on the heels of the application that was submitted in April of 2013, demonstrating Ms. Noel's involvement with the application process.

Had Ms. Noel somehow succeeded in obtaining an R.N. license, and obtained employment as an R.N., she would have been entrusted at an R.N. level with care of the life and health of patients, without having the requisite training, a state of affairs which would have jeopardized the public welfare on an ongoing basis.

Thus the Board finds that Ms. Noel not only attempted to obtain an R.N. license without being properly qualified to do so, but she subsequently lied to the Board in her statement. Ms. Noel's provision of false information in her certified statement

was considered by the Board as an aggravating factor in determining the sanctions to be imposed.

The Board determined that, upon finalization, the Provisional Order should be modified with respect to the findings and conclusions relating to her employment at Delaire Nursing & Convalescent Center. Ms. Noel was not terminated from that facility, nor did she resign in lieu of termination. Accordingly, any finding of a violation of N.J.S.A. 45:1-21(b) with respect to respondent's disclosures about her employment at that facility is withdrawn. However, the violation of N.J.S.A. 45:1-21(a) with respect to attempting to obtain an RN license by fraud; Ms. Noel's certified response to the Board wherein she denied submitting the R.N. application, fee and transcript in violation of N.J.S.A. 45:1-21(b); and her violations of N.J.S.A. 45:1-21(b) in connection with the 2012 and 2014 renewal applications all warrant severe discipline.

ACCORDINGLY, IT IS on this 25th day of November, 2015,

ORDERED that:

1. Respondent's application for licensure as a Registered Professional Nursing is denied. The Board will not consider another application for RN licensure from Respondent for a period of at least five years.

2. Respondent's license to practice as a Licensed Practical Nurse is suspended for a minimum period of five (5) year

3. Respondent is assessed a civil penalty in the amount of seven thousand seven hundred fifty dollars (\$7,750). Said penalty is an aggregate penalty, which includes a penalty in the amount of seven thousand five hundred dollars (\$7,500) for attempting to obtain an RN license by fraud and providing dishonest answers in her reply to the Demand and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by money order, bank cashier check or certified check, made payable to the State of New Jersey or by wire transfer, direct deposit or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making payment. Payment shall be due no later than fifteen (15) days after the filing of this order. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

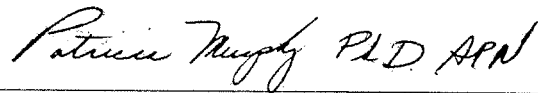
5. A reprimand is imposed on Respondent for falsifying the continuing education information on LPN renewal applications in 2012 and 2014.

6. Prior to any reinstatement Respondent must:

- a. successfully complete a Board-approved LPN refresher course;
- b. re-take and pass the National Council Licensure Examination for Practical Nurses (NCLEX-PN); and
- c. pay all civil penalties herein imposed.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
President